

PROBLEMS OF ADAPTATION OF THE UKRAINE'S LEGISLATION TO THE EU LEGISLATION: THE HUMAN SYNTHETIC APPROACH

Taras Shevchenko National University of Kyiv
Volodymyrska str., 64/13, 01601, Kyiv, Ukraine
E-mail: krissolod.kks@gmail.com

***Aim:** is to determine, with the help of socio-psychological approach, the place and role of the person as the acquirer and implementer of fundamental rights and freedoms in the context of the processes of European integration of Ukraine. **Methods of research:** general scientific research methods: analysis, synthesis, refinement, and special methods: juristical – comparative legal, judicial statistics, interpretation of the norms of law; psychological – content analysis of documents. **Discussion:** analyzes the scientific approaches of possibilities to use the socio-psychological approach in the law. In particular, in connection with the signing of the agreement between Ukraine and the European Union, at the time of rethinking the place and the role of a person in law. This problem was clearly manifested, in particular, in the context of solving scientific and practical issues concerning the situation with the negative consequences of terrorist acts in the Donbas. **Conclusions and perspectives of research:** we found out that if we will using the socio-psychological approach in Ukraine it will lead to the revaluation about the place and the role of a person in the law.*

***Keywords:** adaptation, fundamental, law, socio-psychological, personality, terrorism, humanity.*

Introduction. Ukraine is well on its way to the European Union. The issue of Ukrainian legislation adaptation to EU legal standards is extremely topical at present. In particular, genuine rethinking and profound comprehension of the place and role of fundamental rights and freedoms of human beings in the context of integration processes.

Ukrainian law is based on such fundamental principles as the rule of law and that of humanism. Scholars treat these principles in different ways, depending on the sphere of their application, focusing on different aspects of these principles. However, the most important principle is the declaration that everyone is equal before the law and that human rights protection is our priority. Humanism in psychology is a display of human consciousness which is expressed in the attitude to a human being as the highest social value recognising him or her as a personality that holds the right to liberty, pursuit of happiness and comprehensive development of their personality [1]. Thus, one can confirm that the

legal norms regulate public reality the centre of which is its bearer and realiser – a human being.

It should be underscored that the military aggression of the Russian Federation today accompanied by numerous terroristic acts has become a strong impetus for activation of various aspects of scientific and practical issues in studying terrorism as a phenomenon. In particular, there can be divergencies in the approaches to comprehension of terrorism as a phenomenon which led to differences in terrorism interpretation that resulted in various terrorism interpretations within the limits of law application. Thus, upon analysing peculiarities of civil proceedings with regard to payment of damages caused by a terrorist act there are grounds to affirm that the percentage of positive court judgments [2] increases on condition that the legislation is applied which does not concern the sphere of terrorism whereas terrorism is interpreted as a natural calamity that to some extent simplifies the

procedure for realizing the law norms for payment of damages caused as a result of a terrorist act.

On the other hand, there are grounds to affirm that as soon as the military aggression of the Russian Federation is terminated, the scope of terrorist activity might considerably decrease, however terrorism itself will not disappear entirely and therefore in order to minimize its negative consequences we should not only deepen our scientific knowledge but shall also strive to applying the newest achievements in this sphere introducing interdisciplinary approaches.

The point of intersection in this case will be personal non-property rights as one of the embodiments of fundamental rights the study as practical resolution of their numerous violations is almost unavailable in Ukrainian science.

Analysis of recent research and publications.

Such scholars as V. V. Kopeichikov, V. F. Pohorilko, P. M. Rabinovych have been developing the theory of human rights in contemporary Ukrainian science. K. H. Volynka, O. V. Dombrovska, I. Ya Seniuta, O. B. Horova and others were doing research into certain aspects of human rights. However, there are very few research works in history of development of human rights notwithstanding the fact that within the borders of contemporary Ukraine such institutes as people's law, refusal from death penalty, belief tolerance, election of judges, have existed for a long time [3].

Theoretical analysis of literature in the field of personal non-property rights to life, health, personal immunity allows us to assert that it is becoming more popular as the number of research works dealing with these themes is growing.

At the same time the aspects determining the norms with regard to the terms of these rights functioning as well as certain moments of their violation, in particular establishment of the moment when the right to their defence arises shall be subject to discussion [4, 5].

This research had as its basic provisions of positive conceptual approach based on which we can use psychological instrumentation. In addition it is a positive approach which is the foundation of contemporary legislation in the field of personal non-property rights.

Psychological aspects in law as a whole found their reflection in works of well-known foreign psychologists, sociologists, lawyers, historians. Thus, fear of death and libido as drivers of changes serves as a regulator of social conduct of a human being [6], indicating herewith the tremendous role of its architectonics [7].

Psychologists suggest that the influence of law on a person should be considered in its onto - [8, 9] and phylogenesis. The evolution of law influence on shaping human behaviour is determined by legal and existential anthropology. Scholars indicated that

we should speak *prima facie* about a personality as the central figure. The most important conclusion is that a person is one's own master as the central figure who possesses his own internal self - regulator of conduct. Meanwhile they did not exclude a considerable influence of masses on the formation and development of normative and non-normative human behaviour [10].

In the sphere of terrorism issues contemporary researchers focus on the conceptual framework since major points of qualifying the *actus reus* of a criminal offence lie here. These issues are dealt with by P. P. Andrushko [11], whereas another scholar, V. F. Antypenko who used to be head of the Security Service of Ukraine Antiterroristic Centre holds that this criminal offence, unlike others is especially dangerous as it applies psychological techniques (intimidation, blackmail, etc.) [12].

Discussion. Researchers of theory and history of human rights development mainly focused on disclosure of different aspects of public political structure ignoring such peculiarities as psychological mechanisms of creating «respect», «life values», «dignity», that is of such legal categories without which it is impossible for a human being to exist in contemporary life. Interpretation of these categories is based on traditional customary law.

It is due to this, determination of the degree of the damage inflicted by a criminal offence possessing features of a terroristic act, respectively, is determining damages. According to M. Fuko, «it is easier to understand the meaning of many things moving backwards. The key to understanding law is lawlessness» [13], thus, if it is impossible to calculate the degree of suffering, one should move

to the reverse and construct the reason why the damage was inflicted.

For the most part, civil lawyers were dealing with tort obligations concerning payment of moral damages for the sufferings caused by crime commission to a natural person's non-property rights. Scholars consider that the main issue is subjective evaluation of the «scope» of sufferings as a consequence of violation of the rights as a result of crime commission as the degree of compensation for the violation [14]. Civil lawyers' discussion continues unabated with regard to ways and means of calculating the compensation. Traditionally such calculation provides the version of material compensation including expenses on the part of the state for the treatment of a person with the status of a hostage, which also includes psychotherapy, etc.

In particular, in Explanatory Note to draft law № 8337 of 04.05.2018 «Draft Law on Introducing Amendments to the Law of Ukraine «On Terrorism Combating» (with regard to the bases of social protection of hostages) it is proposed to legislatively guarantee the right of a released hostage to priority free medical services in the institutions of health protection of state and communal ownership. It is established that medical services to such persons shall be provided by institutions of health protection of all forms of ownership without delay. The Law envisages that the state shall guarantee to these persons full, without delays, characterized by continuity medical rehabilitation, which includes a possibility to receive the necessary medical and psychological assistance after release [15].

The Verkhovna Rada of Ukraine Statement «On Derogation of Ukraine from separate international obligations determined by International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms», approved by the Resolution of the Verkhovna Rada of Ukraine № 462-VIII of 21.05.2015 stated derogation from a number of international commitments of Ukraine. However, such derogation is not allowed from fundamental norms-principles, including prohibition of arbitrary deprivation of liberty. This is what exactly concerns the issues of hostages of the temporary occupied territories. This issue has been recognized as one of

the key ones concerning hostages on the temporary occupied territories. This issue has been recognized as one of the key issues in the sphere of counteracting the Russian Federation's military aggression against Ukraine and protection of human rights of a person and citizen. Indeed as a result of military actions in the east of Ukraine there are massive violations of human rights to freedom and personal security. Meanwhile the existing legal mechanisms of reaction to such violations are limited and insufficient [16].

Article 8 of the Constitution of Ukraine directly designates that the principle of the rule of law is recognised and effective, that not a single person shall be above law, no one can be punishable by the state only for a violation of a law and respectively no one may be convicted for a violation of a law, only pursuant to the procedure envisaged by law [17].

Chapter 2 of the Constitution deals with rights, freedoms and duties of a person and citizen, whereas major attention should be focused on such rights that provide for ensuring existence of a human being in society, regulation and ensuring individual and social aspects of a human being in society within legal framework [17].

Article 23 of the Constitution of Ukraine provides that a human being has the right to free and comprehensive development of his or her personality [17].

It is worth emphasizing that we have in mind a personality when we designate that a person that has legal capacity enters into legal relations. The issues concerning personality were most assiduously studied within the framework of humanistic direction of psychology by G. Allport and K. Rodgers who designated that it had a structure and laws of development. Soviet psychologists S.L. Rubinstein [18] and A. Leontiev [19] emphasized that a personality exists and is developing due to the processes of interiorisation and externalization, which is impossible without availability of consciousness and self-consciousness.

One of the founders of proactive approach in psychology Rubinstein affirmed that due to their activity people interact with the outside world and therefore while socializing they learn the norms of

morale due to which they acquire capacity to have legal capacity in legal framework, that is, acquire a possibility to become a participant in legal relations including the civil ones.

In the classical theory of law it is acceptable to analyse fundamental psychological and social-psychological mechanisms of law application [20, 22]. Although social historical evolution processes and analysis of the practice of law application give all grounds to affirm that for better efficiency of understanding law and thus, realization within the limits of law application by specialists and prevention of committing offences one should make sense of social and psychological mechanisms of mutual influence of law and personality [23]. Legal psychology in its general part treats the data of scientific and practical problems which are devoted in particular to studying legal conscienciousness [24, 25].

At the same time one can affirm that the level of research into certain issues of psychology of law which lie in the sphere of practical application of such knowledge is insufficient. In other words, for more profound understanding the processes of legal socialization of a personality, interiorization and influence of law on the normative behaviour of a personality one should perceive the mechanisms of influence, in particular, of the moral norms which are generated «by default» during interaction of people and law and in such manner «to sew together» the knowledge of scope of rights and duties of a human being and citizen.

Proceeding from the provisions proposed within the framework of a «positive» approach in Ukrainian law, scholars started from the notion «personality» [26], which was initiated and rather widely used in the soviet doctrine in civil law. This notion was controversial and disputed in particular within the framework of differentiation between the notions «person», «individuum», «personality» which were treated as identical. In contemporary civil law these notions acquired the only definition – «natural person».

At the same time it should be noted that the notion «personality» belongs exclusively to the sphere of psychology from which it had been borrowed but without the psychological features characterising it.

It was V.V. Lazarev who analysed in detail social and psychological aspects of law application [22]. In his monograph he researched social

and psychological determinants of law application, its normative law application and motivation together with value orientations. The author proves in a convincing manner that application of scientific achievements of various branches of psychology is necessary due to the fact that it allows to trace tendencies of changes both in mass psychology and individual one. Therefore, law as a science as well as an embodiment of law creative and law application activity shall be more perceptive to global tendencies to changes.

Fukuyama remarked that public institutions acting beyond the state ones, the so called «superstructures» are supported by human customs, traditions and moral foundations and have more influence on human behaviour. Fukuyama's major idea is that no activity is possible without social interaction [27].

Specificity of the dynamics of existence and development of referent groups discovered and analysed by American psychologists H. Hyman and M. Sheriff allow us to agree with Fukuyama's conclusion.

In other words, studying social and psychological aspects of law application will allow law as a branch of science to a greater extent realise its prognostic function, in so far as it will allow law not only study models of lawful and unlawful conduct but also but also create and introduce these models for the purpose of strengthening one model and quantitative and qualitative changes of another model.

For Ukraine in conditions of Russian Federation's military aggression and numerous terrorist acts on the occupied and annexed territories the model is protection of fundamental rights, in particular personal non-property rights that ensure physical and social survival. Thus it is time to spread and make popular legal popularisation of legal personality in society, the so-called «American» way which tends to give priority to a personality. Although this way is a debatable issue as Fukuyama warns about American legal capacity in the sphere of protection of individual personal non-property rights.

The knowledge of fundamental rights and freedoms of a human being and citizen, awareness of their significance will result in rapid growth of interest to their protection primarily by means of resolving conflicts by mediation or other ways of alternative dispute resolution.

At the same time the subject matter of legal psychology strictly limits studying peculiarities of functioning «human being – law» system leaving beyond it a considerable number of issues unresolved.

Thus, scientific literature dealing with research into personal non-property rights in legal field in particular in the sphere of determining such issues as calculating damages inflicted by crimes that can be listed as terroristic requires detailed elaboration and specification that can become possible due to involvement of psychological methods.

The conceptual approach of law enforcers that a criminal offence qualified as «terrorism» is «a natural disaster» of its kind provides a possibility, proceeding from provisions of the Code of Civil Defence of Ukraine (Law of 2.10.2012 year № 5403-VI), which entered into force on 1.07.2013 year» [28] of fast and efficient dealing with issues related to determination of damages incurred by the terroristic act in accordance with procedural mechanisms prescribed in detail. However, at the same time a law enforcer, for the purpose of comprehensive protection of the victim's rights is compelled to move beyond the limits of the legislation of Ukraine in the sphere of defence of criminal offence victims if that offence has the features of a terroristic act. Thus the analysis of the practice of defence of the rights of terroristic acts victims allows us to conclude that there is no standard concept of legal mechanism of their defence, and the court is compelled to elaborate new models of resolving conflicts of a similar kind.

Conclusion and prospects for development.

Thus, in addition to scientific and practical issues that were caused by the military aggression of the Russian Federation on the designated territories and belong to the sphere of criminal law, there appeared a huge complex of problems in the sphere of civil law, in particular concerning the damage inflicted as a result of a terrorist act.

The analysis of legislation of Ukraine in the sphere of terrorism combatting has indicated that there appeared a tendency in Ukraine aiming to eliminate negative consequences of this criminal activity aimed primarily at social protection of violated personal non-property rights (hostages). This testifies to confident transference of law maker's attention and efforts concerning protection of property rights and freedoms of a human being and personality. In such a way Ukrainian law once

again focuses on priority with regards to the protection of human rights and personality's interests. In particular according to the practice of contemporary Ukrainian law there is growing demand for reinterpreting such personal non-property rights which ensure natural existence and social being of a person.

Change of a paradigm, focus of the law on a person and his or her fundamental rights aims at considerable changes of the situation of legal anomaly that caused the appearance of extralegals in Ukraine.

Література

1. *Психологічна* енциклопедія / за заг. ред. О. М. Степанова. – К.: Академвидав, 2006. – С. 93.
2. *Єдиний державний реєстр судових рішень*. Справа 243/11658/15-ts від 15.03.2016 [Електронний ресурс]. – Режим доступу: <http://www.reyestr.court.gov.ua/Review/56562010>.
3. *Тімашов В. О.* Формування й закріплення інституцій прав і свобод людини в Україні (VI-XVII століття) / В. О. Тімашов // *Зовнішня торгівля: економіка, фінанси, право*. – 2013. – № 4 (69).
4. *Кохановська О. В.* Особисті немайнові права фізичних осіб як інститут цивільного права України / О. В. Кохановська // *Вісник Київського національного університету імені Тараса Шевченка, Київський національний університет імені Тараса Шевченка*. – К., 2010. – С. 4-6.
5. *Стефанчук Р. О.* Особисті немайнові права фізичних осіб (поняття, зміст, система, особливості здійснення та захисту): монографія / відп. ред. Я. М. Шевченко. – К.: КНТ, 2008. – 626 с.
6. *Фрейд З.* Психология бессознательного / З. Фрейд. – Москва; Санкт-Петербург: Питер, 2008. – 400 с.
7. *Юнг К. Г.* Сознание и бессознательное / К. Г. Юнг. – М.: Академический Проект, 2007. – 190 с.
8. *Мунье Э.* Манифест персонализма / Э. Мунье. – М.: Республика, 1999. – 559 с.
9. *Фромм Э.* Бегство от свободы. Человек для себя / Э. Фромм. – Минск: Попурри, 1998. – 672 с.

10. Лебон Г. Психология народов и масс / Г. Лебон. – Санкт-Петербург: Макет, 1995. – 316 с.
11. Андрушко П. П. Щодо законодавчого формулювання складу злочину «тероризм» / П. П. Андрушко // Актуальні проблеми держави та права. – Вип. 8. – С. 72-78 [Електронний ресурс]. – Режим доступу: <http://inter.criminology.opua.edu.ua/?p=1042>
12. Антипенко В. Ф. Міжнародна кримінологія: досвід дослідження тероризму / В. Ф. Антипенко: монографія. – О.: Фенікс, 2011. – 320 с.
13. Де Сото Ернандо. Загадка капіталу. Чому капіталізм перемагає лише на Заході і ніде більше? / Ернандо де Сото. – К.: Наш формат, 2017. – 232 с.
14. Эрделевский А. М. Моральный вред и компенсация за страдания: научно-практическое пособие / А. М. Эрделевский. – М.: Изд-во ВЕК, 1998. – 188 с.
15. Пояснювальна записка до законопроекту № 8337 від 04.05.2018 «Проект Закону «Про внесення змін до «Закону про боротьбу з тероризмом (щодо основ соціального захисту заручників)» [Електронний ресурс]. – Режим доступу: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63961.
16. Проект Закону «Про внесення змін до «Закону про боротьбу з тероризмом (щодо основ соціального захисту заручників)» [Електронний ресурс]. – Режим доступу: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63961.
17. Конституція України [Електронний ресурс] – Режим доступу: <http://www.president.gov.ua/documents/constitution>.
18. Рубинштейн С. Л. Основы общей психологии / С. Л. Рубинштейн. – СПб.: Питер, 2002. – 720 с.
19. Леонтьев А. Н. Деятельность. Сознание. Личность. / А. Н. Леонтьев. – М.: Политиздат, 1975. – 130 с.
20. Жеребко М. Правовые чувства как основной элемент правовой психологии / М. Жеребко // *Legea si viata*. – 2014. – № 3. – С. 79-82 [Електронний ресурс]. – Режим доступу: <http://www.legeasiviata.in.ua/archive/2014/3-2/20.pdf>.
21. Жеребко М. Правова психологія як структурний елемент правосвідомості / М. Жеребко // Юрист України. – 2013. – № 3 [Електронний ресурс]. – Режим доступу: <http://jure.in.ua/pravova-psychologiya-yak-strukturnyj-element-pravosvidomosti/>
22. Лазарев В. В. Социально-психологические аспекты применения права / В. В. Лазарев. – Казань: Изд-во Казанского университета, 1982. – 144 с.
23. Шепітько В. Ю. Проблеми використання психологічних знань у кримінальному процесі / В. Ю. Шепітько // Актуальные вопросы судебной экспертизы и криминалистики на современном этапе судебно-правовой реформы. – Х.: Право, 1998. – 295 с.
24. Лихачев И. А. Правовая психология: понятие, структура и ее место в системе правовых и политических отношений: автореф. дис. ... канд. социол. наук: 09.00.11 / И. А. Лихачев; Ярослав. гос. ун-т им. П. Г. Демидова. – Ярославль, 1999. – 24 с.
25. Судомир О. К. Короткий курс судової психології та психопатології для працівників дізнання, слідства, суду / О. К. Судомир. – Х.; К.: Медвідав, 1932. – 154 с.
26. Егоров К. Ф. Личные неимущественные права граждан СССР / К. Ф. Егоров // Вопросы советского права. Ученые записки. – Л.: Изд-во Ленингр. ун-та, 1953, Вып. 4. – С. 139-157.
27. Фукуяма Ф. Доверие: социальные добродетели и путь к процветанию: пер. с англ. / Ф. Фукуяма. – М.: ООО «Издательство АСТ»: ЗАО НПП «Ермак», 2004. – 730 с.
28. Кодекс цивільного захисту України [Електронний ресурс]. – Режим доступу: <http://zakon3.rada.gov.ua/laws/show/5403-17/print1512147598175502>.

References

1. *Psichologichna* enciklopedija / za zag. red. O. M. Stepanova. – К.: Akademvidav, 2006. – S. 93.
2. *Edinij derzhavnij reestr sudovih rishen'*. Sprava 243/11658/15-ts vid 15.03.2016 [Elektronnij resurs]. – Rezhim dostupu: <http://www.reyestr.court.gov.ua/Review/56562010>.
3. *Timashov V. O.* Formuvannja j zakriplennja institucij prav i svobod ljudini v Ukraini (VI-XVII stolittja) / V. O. Timashov // *Zovnishnja torgivlja: ekonomika, finansi, pravo*. – 2013. – № 4 (69).
4. *Kohanovs'ka O. V.* Osobisti nemajnovi prava fizichnih osib jak institut civil'nogo prava Ukraini / O. V. Kohanovs'ka // *Visnik Kiivs'kogo*

nacional'nogo universitetu imeni Tarasa Shevchenka, Kiivs'kij nacional'nij universitet imeni Tarasa Shevchenka. – Kiiv, 2010. – S. 4-6.

5. *Stefanchuk R. O.* Osobisti nemajnovi prava fizichnih osib (ponjattja, zmist, sistema, osoblivosti zdijsnennja ta zahistu): monografija / vidp. red. Ja. M. Shevchenko. – K.: KNT, 2008. – 626 s.

6. *Frejd Z.* Psihologija besoznatel'nogo / Z. Frejd. – Moskva; Sankt-Peterburg: Piter, 2008. – 400 s.

7. *Jung K. G.* Soznanie i besoznatel'noe / K. G. Jung. – M.: Akademicheskij Proekt, 2007. – 190 s.

8. *Mun'e Je.* Manifest personalizma / Je. Mun'e. – M.: Respublika, 1999. – 559 s.

9. *Fromm Je.* Begstvo ot svobody. Chelovek dlja sebja / Je. Fromm. – Minsk: Popurri, 1998. – 672 s.

10. *Lebon G.* Psihologija narodov i mass / G. Lebon. – Sankt-Peterburg: Maket, 1995. – 316 s.

11. *Andrushko P. P.* Shhodo zakonodavchogo formuljuvannja skladu zlochynu «terorizm» / P. P. Andrushko // Aktual'ni problemi derzhavi ta prava. – Vip. 8. – Str. 72-78 [Elektronnij resurs]. – Rezhim dostupu: <http://inter.criminology.onua.edu.ua/?p=1042>

12. *Antipenko V. F.* Mizhnarodna kriminologija: dosvid doslidzhennja terorizmu / V. F. Antipenko: monografija. – O.: Feniks, 2011. – 320 s.

13. De Soto Ernando Zagadka kapitalu. Chomu kapitalizm peremagae lische na Zahodi i nide bil'she? / Ernando de Soto. – K.: Nash format, 2017. – 232 s.

14. *Jerdelevskij A. M.* Moral'nyj vred i kompensacija za stradaniya: nauchno-prakticheskoe posobie. – M.: Izdatel'stvo VEK, 1998. – 188 s.

15. *Pojasnjuval'na* zapiska do zakonoproektu № 8337 vid 04.05.2018 «Proekt Zakonu «Pro vnesennja zmin do «Zakonu pro borot'bu z terorizmom (shhodo osnov social'nog zahistu zaruchnikiv)» [Elektronnij resurs]. – Rezhim dostupu: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63961.

16. *Proekt Zakonu «Pro vnesennja zmin do «Zakonu pro borot'bu z terorizmom (shhodo osnov social'nog zahistu zaruchnikiv)»* [Elektronnij resurs]. – Rezhim dostupu: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63961.

17. *Konstitucija* Ukraini [Elektronnij resurs]. – Rezhim dostupu: <http://www.president.gov.ua/documents/constitution>.

18. *Rubinshtejn S. L.* Osnovy obshhej psihologii / S. L. Rubinshtejn. – SPb.: Piter, 2002. – 720 s.

19. *Leont'ev A. N.* Dejatel'nost'. Soznanie. Lichnost'. / A. N. Leont'ev. – M.: Politizdat, 1975. – 130 s.

20. *Zherebko M.* Pravovye chuvstva kak osnovnoj jelement pravovoj psihologii / M. Zherebko // Legea si viata. – 2014. – № 3. – S. 79-82 [Elektronnij resurs]. – Rezhim dostupu: <http://www.legeasiviata.in.ua/archive/2014/3-2/20.pdf>.

21. *Zherebko M.* Pravova psihologija jak strukturnij element pravosvidomosti / M. Zherebko // Jurist Ukraini. – 2013. – № 3 [Elektronnij resurs]. – Rezhim dostupu: <http://jure.in.ua/pravovapsyhologiya-yak-strukturnyj-element-pravosvidomosti/>.

22. *Lazarev V. V.* Social'no-psihologicheskie aspekty primenenija prava, 1982. – Izd-vo Kazanskogo universiteta. – 144 s.

23. *Shepit'ko V. Ju.* Problemi vikoristannja psihologichnih znan' u kriminal'nomu procesi / V. Ju. Shepit'ko // Aktual'nye voprosy sudebnoj jekspertizy i kriminalistiki na sovremennom jetape sudebno-pravovoj reformy. – H.: Pravo, 1998. – 295 s.

24. *Lihachev I. A.* Pravovaja psihologija: ponjatje, struktura i ee mesto v sisteme pravovyh i politicheskikh otnoshenij: avtoref. dis. ... kand. sociol. nauk: 09.00.11 / I. A. Lihachev; Jaroslav. gos. un-t im. P. G. Demidova. – Jaroslavl', 1999. – 24 s.

25. *Sudomir O. K.* Korotkij kurs sudovoi psihologii ta psihopatologii dlja pracivnikov diznannja, slidstva, sudu / O. K. Sudomir. – H.; K.: Medvidav, 1932. – 154 s.

26. *Egorov K. F.* Lichnye neimushhestvennye prava grazhdan SSSR // Voprosy sovetskogo prava. Uchenye zapiski. – L.: Izd-vo Leningr. un-ta, 1953. – Vyp. 4. – S. 139-157.

27. *Fukujama F.* Doverie: social'nye dobrodeteli i put' k procvetaniju: per. s angl. / F. Fukujama. – M.: OOO «Izdatel'stvo ACT»: ZAO NPP «Ermak», 2004. – 730 s.

28. *Kodeks* civil'nogo zahistu Ukraini [Elektronnij resurs]. – Rezhim dostupu: <http://zakon3.rada.gov.ua/laws/show/5403-17/print1512147598175502>.

Х. К. Солодовнікова

ПРОБЛЕМИ АДАПТАЦІЇ ЗАКОНОДАВСТВА УКРАЇНИ ДО ЗАКОНОДАВСТВА ЄС:
ЛЮДИНОЦЕНТРИСТСЬКИЙ ПІДХІД

Київський національний університет імені Тараса Шевченка
вул. Володимирська, 64/13, 01601, Київ, Україна
E-mail: krissolod.kks@gmail.com

Мета: визначити за допомогою соціально-психологічного підходу місце і роль людини як набувача та реалізатора основоположних прав і свобод в контексті процесів євроінтеграції України. **Методи дослідження:** загальнонаукові: аналіз, синтез, уточнення, та спеціальні: юридичні – порівняльно-правовий, судової статистики, тлумачення норм права; психологічні – контент-аналіз документів. **Обговорення:** проаналізовано наукові підходи можливостей застосування соціально-психологічного підходу в праві. Зокрема, у зв'язку з підписанням Угоди України з Європейським Союзом, на часі переосмислення місця і ролі людини в праві. Дана проблема найяскравіше проявилася, зокрема, в контексті вирішення науково-практичних питань, що стосуються ситуації з негативними наслідками терористичних актів на Донбасі. **Висновки і перспективи досліджень:** виявлено, що за допомогою соціально-психологічного підходу в Україні здійснюється переоцінка місця і ролі людини в праві.

Ключові слова: адаптація, основоположний, право, соціально-психологічний, особистість, тероризм, гуманізм.

К. К. Солодовнікова

ПРОБЛЕМЫ АДАПТАЦИИ ЗАКОНОДАТЕЛЬСТВА УКРАИНЫ
К ЗАКОНОДАТЕЛЬСТВУ ЕС: ЧЕЛОВЕКООРИЕНТИРОВАННЫЙ ПОДХОД

Київський національний університет імені Тараса Шевченка
вул. Володимирська, 64/13, 01601, Київ, Україна
E-mail: krissolod.kks@gmail.com

Цель: определить с помощью социально-психологического подхода место и роль человека, имеющего основоположные права и свободы, реализующего их в контексте процессов евроинтеграции Украины. **Методы исследования:** общенаучные: анализ, синтез, уточнение; специальные: юридические – сравнительно-правовой, судебной статистики, толкование норм права; психологический – контент-анализ документов. **Обсуждение:** в статье идёт речь про возможности использования социально-психологического подхода в праве. В частности, в контексте подписания Украиной Соглашения с Европейским Союзом, актуален пересмотр места и роли человека в праве. Данная проблема ярче всего проявилась в сфере решения научно-практических вопросов, касательно ситуации с негативными последствиями террористических актов на Донбассе. **Заключение и перспективы исследований:** установлено, что социально-психологический подход даёт возможность переосмысления важности места и роли человека в украинском праве.

Ключевые слова: адаптация, основоположный, право, социально-психологический, личность, терроризм, гуманизм.